

**REMARKS / ARGUMENTS**

This Response and Amendment is submitted in response to an outstanding Office Action dated July 27, 2004, the shortened statutory period for response set to expire on October 27, 2004. Accordingly, no Petition or Fee for Extension of time are believed due. In the event that the Commissioner determines that an extension of time and associated fee is due, the undersigned hereby petitions for such extension of time, and authorizes the Commissioner to charge the fee to the Milbank deposit account 13-3250.

I. **Status of the Application**

Please amend claims 11, 13, and 26 as indicated, please add new claims 28 and 29, and please cancel claims 1-7, 12, 14-23 and 27 without prejudice. Claims 11, 13, 26, 28 and 29 are pending in this application. Pending claims 11, and 26 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

II. **Rejections of under 35 U.S.C. § 103(a)**

**Claims 1-7 and 23; and 14, 17-22 and 27**

The Examiner has rejected claims 1-7 and 23 under 35 U.S.C. § 103(a) as being obvious over Kaku in view of Alperovich and Janhonen. The Examiner has also rejected claims 14, 17-22 and 27 under 35 U.S.C. § 103(a) as being obvious over Kaku in view of Frager and Hillis. Applicants have cancelled claims 1- 7, 14, 17-23 and 27 without prejudice.

**Claims 11-13 and 26**

The Examiner has rejected claims 11-13 and 26 under 35 U.S.C. § 103(a) as being obvious over Kaku in view of Alperovich and Beddoes. The Examiner states that the

combination of references discloses all of the claim limitations and that it would have been obvious to combine the references because this “would allow for the identification of flexible charging rates through a communication network during an existing connection.” First, applicants submit that the Examiner has improperly used hindsight to select unrelated references for combination, and has provided a basis for combination without identifying any relationship of the basis for combination to the particular references cited in the rejection. Accordingly, the Examiner has not provided a proper basis for rejection.

In addition, an important feature of claims 11, 13, 28 and 29 is a system having a plurality of wireless controllers, (i) connecting the first wireless controller and the mobile apparatus in accordance with the request from the mobile apparatus, (ii) deciding the second wireless controller to be connected with the mobile apparatus on the basis of the charge rate for each of the wireless controllers, and the charge rate information transmitted from the mobile apparatus, and (iii) controlling so as to connect the mobile apparatus with the second wireless controller too.

Applicant submits that the cited references of Kazu, Alperovich, Janhonen, Beddoes, Frager, and Hills fail to disclose even the structure for controlling the mobile apparatus with the plural wireless controllers and communicating.

Accordingly, Kazu, Alperovich, and Beddoes, can not disclose or suggest the above-identified features of the mobile apparatus connected with the wireless controller decided on the basis of the charge rate for each of the wireless controllers and the charge rate information transmitted from the mobile apparatus other than the wireless controller connected in accordance with the request from the mobile apparatus.

With respect to claim 26, an important feature is the method for controlling a plurality of wireless controllers, (i) deciding the wireless controller to be connected with the mobile apparatus on the basis of the charge rate for each of the wireless controllers and the charge rate information transmitted from the mobile apparatus, and (ii) connecting the mobile apparatus with the wireless controller requested to connect by the mobile apparatus and the wireless controller decided in (i) above.

Applicants respectfully submit that the cited references of Kazu, Alperovich, and Beddoes do not suggest or disclose these features.

Consequently, for all the above reasons, independent claims 11, and 26 and the claims that depend on any of them, are allowable.

III. Conclusion

Applicants respectfully submit that the claims in this application are in condition for allowance. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

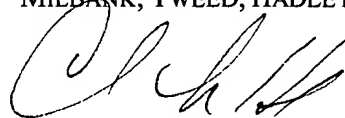
October 25, 2004

Milbank Tweed Hadley & McCloy LLP  
1 Chase Manhattan Plaza  
New York, NY 10005  
(212) 530-5000 / (212) 530-5219 (facsimile)

NY2:#4612204

Respectfully submitted,

MILBANK, TWEED, HADLEY & MCCLOY LLP



---

Chris L. Holm

Reg. No.: 39,227